

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO.: 09-</b>
<b>v.</b>	<b>:</b>	<b>DATE FILED: _____</b>
<b>DWAYNE CESPEDES</b>	<b>:</b>	<b>VIOLATIONS:</b>
<b>MICHAEL GRANT</b>	<b>:</b>	<b>18 U.S.C. § 371 (conspiracy to commit</b>
<b>CURTIS WHITEHURST</b>	<b>:</b>	<b>armed bank robbery - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 2113(d) (armed bank</b>
	<b>:</b>	<b>robbery - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 924(c)(1) (using and carrying</b>
	<b>:</b>	<b>a firearm during and in relation to a</b>
	<b>:</b>	<b>crime of violence - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 2 (aiding and abetting)</b>
		<b>Notice of forfeiture</b>

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

At all times relevant to this indictment:

1. KNBT Bank (“the bank”), located at 3000 Fellowship Drive in Whitehall, Pennsylvania, was insured by the Federal Deposit Insurance Corporation (“FDIC”).
2. Fellowship Manor was an assisted living facility providing care and medical services to senior citizens, including banking services provided by KNBT Bank.

3. From in or about September 1, 2008, through on or about September 26, 2008, in the Eastern District of Pennsylvania, defendants

**DWAYNE CESPEDES,  
MICHAEL GRANT, and  
CURTIS WHITEHURST**

conspired and agreed together, and with others known and unknown to the grand jury, to commit an offense against the United States, that is, to knowingly and intentionally commit armed bank robbery of the KNBT Bank, located at 3000 Fellowship Drive in Whitehall, Pennsylvania, the deposits of which were insured by the Federal Deposit Insurance Corporation (FDIC), in violation of Title 18 United States Code, Section 2113(d).

**MANNER AND MEANS**

4. It was part of the conspiracy that defendants DWAYNE CESPEDES, MICHAEL GRANT and CURTIS WHITEHURST, committed an armed robbery of the KNBT Bank, located at 3000 Fellowship Drive in Whitehall, Pennsylvania, at gunpoint and stole approximately \$24,467.

### **OVERT ACTS**

In furtherance of the conspiracy and to effect the objects of the conspiracy, defendants DWAYNE CESPEDES, MICHAEL GRANT and CURTIS WHITEHURST and others known and unknown to the grand jury, committed the following overt acts, among others, in the Eastern District of Pennsylvania:

On or about September 26, 2008:

1. Defendants DWAYNE CESPEDES, MICHAEL GRANT and CURTIS WHITEHURST, drove to the KNBT Bank located inside Fellowship Manor, located at 3000 Fellowship Drive in Whitehall, Pennsylvania for the purpose of robbing the bank.
2. Defendants DWAYNE CESPEDES and MICHAEL GRANT entered the bank armed with handguns, while defendant CURTIS WHITEHURST remained outside the bank in the getaway car.
3. Defendant DWAYNE CESPEDES brandished a handgun at the teller and announced, "It is what it is." Defendant MICHAEL GRANT opened the teller cash drawer and asked her where the rest of the money was. Defendant CESPEDES put his gun to the teller's head and told her "You have 30 seconds." Defendant GRANT then stole cash from the teller drawer and the safe.
4. Defendants DWAYNE CESPEDES and MICHAEL GRANT stole approximately \$24,467 in cash from the KNBT Bank.
5. Defendants DWAYNE CESPEDES and MICHAEL GRANT then left the bank, went to the waiting getaway car driven by defendant CURTIS WHITEHURST, and the defendants then fled the scene in the getaway car and led police on a high speed chase.

6. Defendants DWAYNE CESPEDDES and MICHAEL GRANT, while being pursued by police in a high speed chase, eventually got out of the getaway car and ran from the car, with police in pursuit.

7. Defendant DWAYNE CESPEDDES was arrested by police following a foot chase in Whitehall, Pennsylvania. Police recovered a loaded Glock, Model 32, .357 caliber handgun under a trash can lid in the vicinity where defendant CESPEDDES ran.

8. Defendant MICHAEL GRANT was arrested by police following a foot chase in Whitehall, Pennsylvania. Police recovered approximately \$7,820 in cash wrapped in bank wrappers and a loaded Lorcin Model L380, .380 cal. handgun, with an obliterated serial number, loaded with live rounds of ammunition under a bush in the vicinity where defendant GRANT ran.

9. Defendant CURTIS WHITEHURST continued his escape in the getaway car leading police on a high speed chase into Allentown, Pennsylvania. Defendant WHITEHURST crashed the getaway car, fled on foot, and was captured by police. Police recovered approximately \$14,461 in cash wrapped in bank wrappers from the getaway car that defendant WHITEHURST had been driving.

All in violation of Title 18, United States Code, Section 371.

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about September 26, 2008, in Whitehall, in the Eastern District of Pennsylvania, defendants

**DWAYNE CESPEDES,  
MICHAEL GRANT, and  
CURTIS WHITEHURST**

knowingly and unlawfully, by force and violence, and by intimidation, took, and aided and abetted the taking of, from employees of the KNBT Bank, 3000 Fellowship Drive, Whitehall, Pennsylvania, lawful currency of the United States, that is, approximately \$24,467, belonging to, and in the care, custody, control, management, and possession of the KNBT Bank, the deposits of which were insured by the Federal Deposit Insurance Corporation ("FDIC"), and in so doing, defendants CESPEDES and GRANT knowingly and unlawfully assaulted and put in jeopardy the lives of the employees of the KNBT Bank, by use of dangerous weapons, that is, one Glock, Model 32, .357 cal. handgun, serial #DRF553, loaded with live rounds of ammunition and one Lorcin, Model L380, .380 cal. handgun, with an obliterated serial number, loaded with live rounds of ammunition.

In violation of Title 18, United States Code, Sections 2113(d) and 2.

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about September 26, 2008, in Whitehall, in the Eastern District of Pennsylvania, defendant

**DWAYNE CESPEDES,  
MICHAEL GRANT, and  
CURTIS WHITEHURST**

knowingly used and carried, and aided and abetted the use and carrying of, a firearm, that is: (1) one Glock, Model 32, .357 cal. handgun, serial #DRF553, loaded with live rounds of ammunition; and (2) one Lorcin, Model L380, .380 cal. handgun, with an obliterated serial number, loaded with live rounds of ammunition, during and in relation to a crime of violence for which each defendant may be prosecuted in a Court of the United States, that is, armed bank robbery, in violation of Title 18, United States Code, Section 2113(d).

In violation of Title 18, United States Code, Sections 924(c)(1) and 2.

**NOTICE OF FORFEITURE**

**THE GRAND JURY FURTHER CHARGES THAT:**

As a result of the violations of Title 18, United States Code, Sections 924(c)(1), set forth in this Indictment, defendants

**DWAYNE CESPEDES,  
MICHAEL GRANT, and  
CURTIS WHITEHURST**

shall forfeit to the United States of America the firearms and ammunition involved in the commission of these offenses, including but not limited to:

- a) One Glock, Model 32, .357 cal. handgun, serial #DRF553, loaded with live rounds of ammunition and
- b) One Lorcin, Model L380, .380 cal. handgun, with an obliterated serial number, loaded with live rounds of ammunition.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

**A TRUE BILL:**

**GRAND JURY FOREPERSON**

**LAURIE MAGID  
United States Attorney**